

Remarks

Claims 1-19, 21-29 are currently pending in the application. The Office rejected claims 1-19 and 21-29 in the Office action dated February 15, 2007. Applicant has amended independent claims 1, 17, 18, 19, 21, and 26. Support for these amendments can be found throughout the originally-filed specification and in the originally-filed drawings. See, e.g., page 6, line 20 to page 7, line 19; page 13, lines 7-12; and Figures 1A, 1b, and 4 of the originally-filed application. No new matter has been added. Applicant believes this Amendment and Response is fully responsive to each and every rejection of the Office action. Reexamination and reconsideration is respectfully requested.

I. Rejection under 35 U.S.C. § 102 (Mahon)

Claims 1-14, 16-19, and 26-29 stand rejected under 35 U.S.C. §102(e) as being anticipated by United States patent publication number 2005/0083021 filed by Mahon (the Mahon reference). Applicant respectfully traverses this rejection for at least the following reasons.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *See MPEP § 2131, Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir, 1987). Further, the identical invention must be shown in as complete detail as is contained in the claim. *See MPEP § 2131, Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir, 1989). Applicant respectfully submits that the Office has failed to show that each and every element as set forth in the rejected claims is disclosed in the Mahon reference as noted below.

Independent claims 1, 17, 18, 19, and 26, from which claims 2-14, 16, and 27-29 depend, have been amended. In particular, claims 1, 17, 18, and 19 have been amended to recite, *inter alia*, that the first current collector, the second electrode, the second current collector, and the separator of a capacitor cell are rolled together in a jelly-roll configuration in which the first current collector extends in a first direction and the second current collector extends in a second direction opposite the first direction. In each

claim, the first current collector is coupled to a first terminal of a housing and the second current collector is coupled to a second terminal of the housing.

The Mahon reference, however, discloses a double-layer capacitor that is wrapped in a single layer around a battery cell. The double-layer capacitor is not rolled in a jelly-roll configuration. Nor does the double layer capacitor disclosed in the Mahon reference include a first current collector extending in a first direction or a second current collector extending in a second direction opposite the first direction. Since the Mahon reference fails to disclose, teach, or suggest every limitation of claims 1-14, and 16-19, the Mahon reference fails to anticipate claims 1-14, and 16-19. Accordingly, Applicant respectfully requests the Office to reconsider and withdraw the rejection of claims 1-14, and 16-19, and allow claims 1-14, and 16-19.

Claim 26 has been amended to recite a jelly-roll capacitor disposed within a cylindrical housing. The jelly-roll capacitor comprises a first collector extending from a first side of the capacitor cell and electrically connected to a first terminal of a cylindrical housing and a second collector extending from a second side of the capacitor cell opposite the first side and electrically connected to a second terminal of the cylindrical housing. The Mahon reference fails to disclose, teach, or suggest each limitation of claims 26-29 and therefore fails to anticipate claims 26-29. Accordingly, Applicant respectfully requests that the Office reconsider and withdraw the rejection of claims 26-29 and allow claims 26-29.

II. Rejection under 35 U.S.C. § 102(b) (Noguchi)

Claims 21-24 stand rejected under 35 U.S.C. §102(b) as being anticipated by United States patent 6,433,997 issued to Noguchi et al. (the Noguchi reference). Applicant respectfully traverses this rejection for at least the following reasons.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *See MPEP § 2131, Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir, 1987). Further, the identical invention must be shown in as complete detail as is contained in the claim. *See MPEP § 2131, Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir, 1989). Applicant

respectfully submits that the Office has failed to show that each and every element as set forth in the rejected claims is disclosed in the Noguchi reference as noted below.

Claim 21, from which claims 22-24 depend, has been amended to recite a standard battery-sized housing and a jelly-rolled electrode comprising a first collector extending in a first direction from the jelly-rolled electrode and a second collector extending in a second opposite direction from the jelly-rolled electrode. The first collector is electrically coupled to a first terminal of the housing, and the second collector is electrically coupled to a second terminal of the housing. The Noguchi reference, however, fails to disclose each and every element of claims 21-24 and therefore fails to anticipate claims 21-24. Accordingly, Applicant respectfully requests that the Office reconsider and withdraw the rejection of claims 21-24 and allow claims 21-24.

III. Rejections Under 35 U.S.C. §103 (Mahon and Noguchi/O'Phelan)

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Mahon reference. Applicant respectfully traverses this rejection for at least the following reasons.

Claim 15 depends from claim 1 and therefore includes each limitation of claim 1. Applicant believes that claim 15 is patentable for at least the reasons described above with respect to claim 1. Accordingly, Applicant respectfully requests that the Office reconsider and withdraw the rejection of claim 15 and allow claim 15.

Claim 25 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Noguchi reference in view of United States patent number 6,509,588 issued to O'Phelan et al. (the O'Phelan reference). Applicant respectfully traverses this rejection for at least the following reasons.

Claim 25 depends from claim 21 and therefore includes each limitation of claim 21. Applicant believes that claim 25 is patentable for at least the reasons described above with respect to claim 21. Further, the O'Phelan reference fails to overcome the deficiencies of the Noguchi reference. Accordingly, Applicant respectfully requests that the Office reconsider and withdraw the rejection of claim 25 and allow claim 25.

Fees/Petitions

This Amendment is submitted within three months of the Office action dated February 15, 2007. Accordingly, Applicant believes no fees or petitions are due. However, if any such petitions or fees are necessary, please consider this a request therefore and authorization to charge Deposit Account No. 50-3199 accordingly.

Conclusion

Based on the amendments and remarks herein, the Applicants respectfully request prompt issuance of a notice of allowance for claims 1-19 and 21-29.

Respectfully Submitted,

/Thomas J. Osborne, Jr./

Dated: May 15, 2007.

By: _____

Thomas J. Osborne, Jr.
Reg. No. 39,796
Hensley Kim & Edgington, LLC
1660 Lincoln Street, Suite 3050
Denver, CO 80264
(720) 377-0759 (telephone)
(720) 377-0777 (facsimile)